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8**

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**PDF PAGE 1, COLUMN 1**

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***Frank Files Reasons for  
New Trial***

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**PHAGAN  
CASE  
IN SUPREME  
COURT**

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# **Argument To Be Set for Decem- ber 15 and Final Decision May Be Made by March.**

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All doubt as to when the arguments will be heard by the Supreme Court in the Frank case was set at rest Saturday, when the bill of exceptions, properly certified, was filed with the clerk of the court for record.

This means the case will go on the calendar for argument on December 15, although actual argument may not be heard for three or four days thereafter.

Arguments in the case may be made either orally and by brief, or by brief alone. If oral arguments are made, the hearing likely will take several days. If briefs are relied upon entirely, however, the hearing will be exceedingly short and non-spectacular.

Following the submitting of arguments the court of review will take the case under advisement for such length of time as it deems necessary, not to exceed twelve months, however. If the case takes the usual course a final ruling may be looked for about March.

If the verdict and rulings of the lower court are affirmed as matters of law, the case ends so far as the State of Georgia is

concerned, and the execution of the defendant in the trial record alone will be necessary to close the case.

If the case is reversed, it will go back to the lower court for retrial, exactly as if it had never been tried, and likely will come on for trial again in July of next year.

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**LAWYER  
ABSENT,  
CONLEY'S  
CASE  
IS DELAYED**

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# **Negro's Counsel Tuesday Will Demand Immediate Hearing, Attitude Surprises Dorsey.**

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The absence from the city W. M. Smith attorney for Jim Conley, prevented the calling of Jim Conley's case Monday on the charge of being an accessory after the fact in the murder of Mary Phagan.

Smith declared before he left for Macon, where he will appear as counsel in a white slave case, that he would fight every further effort to delay the trial of Conley. He said that at once upon his return to Atlanta, he would file a demand upon the court for a speedy hearing for his client and would back up this demand with very resource at his command.

"I have no objection to the holding of Conley as a witness in the event that Frank is granted a new trial," said Smith.

## **Says State Can't Hold Negro.**

"They can hold him any reasonable length of time, so far as I am concerned but I will not stand for his trial being postponed from time to time. Conley is entitled to a speedy hearing, now that the trial of Frank is over, and he is going to get it unless I am greatly mistaken."

"He is not going to plead guilty to any charge. He is not going to make any confession. All this rot about his having

something more to tell is the silliest sort of a rumor. He stands on the story that he told at the trial and he is ready to tell it again."

"I am willing to agree with the Solicitor on a statement of facts as they stand, but I am prepared to fight to come out in Conley's testimony on the last any attempt to convert the negro as an accessory after the fact. The State can't touch the negro. The law can not be interpreted to make him guilty either of a misdemeanor or a felony as an accessory."

### **Dorsey Is Surprised.**

The attitude of Attorney is believed to have astounded Solicitor Dorsey as greatly as it did the court and the general public.

Solicitor Dorsey said Monday that he was not at all worried by the fight that is being made against Conley's conviction. He expressed his belief that both indictments against the negro would stand up and that he would be convicted as an accessory after the fact without any difficulty.

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## **Dec. 15 Formally Set For Frank Argument.**

The attorneys for Leo Frank were served with notice Monday that Frank's appeal from Judge L. S. Roan's decision on the petition for a new trial had been received and filed in the office of Z. D. Harrison, Clerk of the Supreme Court, and would be in order for hearing on Monday, December 15.

Both sides will be prepared to argue as soon as the case is called. An effort was made by the defense to postpone the hearing, but the Supreme Court indicated it would submit to no delay, and it was expected the case would be set for hearing the middle of December.

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